

THE CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF CALEXICO MET IN REGULAR SESSION ON THE 5TH DAY OF JANUARY, 2010 AT 6:30 P.M. IN THE CITY HALL COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION – 5:30 P.M.

CALL TO ORDER.

The Special Session portion of the agenda was called to order at 5:30 p.m.

ATTENDANCE.

Mayor:	David B. Ouzan
Mayor Pro Tem:	John Moreno
Councilman:	Luis J. Castro
Councilman:	Daniel Romero
Councilman:	Guillermo Hermosillo

The City Council/Redevelopment Agency convened into Closed Session at 5:30 p.m. to discuss the following:

Conference with Legal Counsel-Existing Litigation (Subdivision (a) of Section 54956.9-4 cases)

- A. Citizens for Honesty and Integrity in Calexico v. City of Calexico (ECU 05244)
- B. Citizens for Responsible Equitable Environmental Development v. City of Calexico (ECU 05535)
- C. Chico v. Heffernan et al (ECU 05585)
- D. Orozco v. City of Calexico

The City Council reconvened from Closed Session at 6:30 p.m. and no reportable action was taken, direction was given.

REGULAR CITY COUNCIL MEETING-6:30 P.M.

CALL TO ORDER.

The meeting was called to order at 6:30 p.m. by Mayor Ouzan and those present were led in the Pledge of Allegiance.

ATTENDANCE. (All Council members were present: Ouzan, Moreno, Castro, Romero, Hermosillo)

APPROVAL OF AGENDA.

A motion was made by Mayor Pro Tem Moreno, seconded by Councilman Hermosillo and passed unanimously to approve the agenda as presented.

GENERAL COMMENTS BY CITY COUNCIL MEMBERS.

Councilman Romero wished everyone a Happy New Year 2010. He thanked the City for placing stop signs at the intersection of Cole Rd. and M.L. King. He also made reference to the traffic jams being created at the intersection of Highway 111 and Highway 98 and asked the Chief of Police if traffic control can be available at this intersection. He also asked Chief of Police if vehicles and trucks traveling south on Highway 111 can use the right emergency lane as long as this does not cause accidents. He asked that future agendas have the name of the person requesting the item. He also asked that agendas be delivered the Wednesday before the Council meeting date. He asked that the agenda and the backup material be placed on the website.

Councilman Hermosillo wished everyone a Happy New Year. He asked what triggers the traffic on Highway 111 and 98. Chief of Police stated this is due to devices being used in Mexico. Traffic controllers are currently not sent to Highway 111 and 98 because they are controlling traffic at the other intersections. Traffic will continue to back up from now on.

City Manager stated this is something that is being implemented in all border cities and also designed for eight second per vehicle. They are currently coordinating with Mexican customs.

Councilman Hermosillo asked what needs to be done to have traffic control at Highway 111 and 98. Chief of Police stated he will someone stationed at this intersection every day. Councilman Hermosillo stated he would like to have a workshop on goals and objectives for council members and staff. City Manager stated this will take place in late January. They will begin labor negotiations in January to hopefully have them ready in March.

Councilman Castro wished everyone a Happy New Year. He asked the Chief of Police for an update on Emerson, Harold and Ollie Streets, there are 'no trucking signs' posted in these residential areas. Chief of Police stated trucks are allowed in these areas, perhaps the ordinance can be changed to not have any trucks park in any residential area. Councilman Castro stated that perhaps trucks should be allowed in certain areas only. Chief of Police stated he will bring this back to Council.

Mayor Pro Tem Moreno wished everyone a Happy New Year. He asked if anything can be done by the Planning Department pertaining to garage enclosures in the city because this creates slum conditions because the converted garages are being rented to families. He asked to see the ordinance to try to do something regarding enforcement. He also stated that cars blocking intersection along Imperial Avenue should be cited. Perhaps the present ordinance can be amended to enforce this. Chief of Police stated he would try to do something.

Mayor Ouzan wished everyone a Happy New Year. He stated the city continues to work and revitalize down town, the BID continues to do a great job in the down town area. He would like to see more graffiti clean up. He would like to create art and not graffiti. Perhaps more planters could be added in the city such as on the median along Imperial Avenue and the median on Highway 98. He has also seen some streets that are not being swept every week.

CONSENT AGENDA.

City Manager stated that Item No. 4 (Adopt resolution approving a revised agreement with PMC for as-needed Planning and Environmental Consultant Services and authorizing the execution of said agreement by the City Manager.

A motion was made by Mayor pro Tem Moreno seconded by Councilman Castro and passed unanimously to approve the Consent Agenda consisting of the following: Adopt budget amendment resolution for Justice Assistance Grant; Approve the Annual Report of Development Impact Fees for the fiscal year ended June 30, 2009 and approve resolution adopting the Development Impact fee report and making certain findings related to this report.

ADOPT BUDGET AMENDMENT RESOLUTION FOR ASSET FORFEITURE FUND #218 TO BENEFIT THE CALEXICO POLICE ATHLETIC LEAGUE AS WELL AS AID THE POLICE DEPARTMENT IN ACQUIRING A PORTABLE LIVE SCAN MACHINE AND MISCELLANEOUS ITEMS.

Councilman Romero made reference to this item and asked what monies are available to PAL and where are they as far as the amount that may be contributed to the monies that have been collected. Chief of Police stated they are at the limit with the money for PAL. They have asked PAL not to get any new programs until they can get the funding issue resolved.

AWARD BID FOR THE STREET IMPROVEMENT PROJECT ARAM OVERLAY FOR DAVID NAVARRO AVE., IT IS AVE, ROSAS STREET, GRANT STREET, FIFTH STREET AND PASEO DE SU ALTEZA.

Councilman Romero made reference to this item and asked Mr. Nick Fenley if there are grant monies available for this project. Mr. Nick Fenley advised this is a project being funded by Measure "D" monies.

AUTHORIZE THE FINANCE DIRECTOR TO ADVERTISE THE "REQUEST FOR PROPOSALS FOR BANKING SERVICES"

Councilman Romero made reference to this item and he does not understand why the Finance Director and the City Manager cannot go ahead and do the request for proposal without having to come before Council. City Manager informed they are coming before Council due to the amount of money this involves. Other banks have approached the city offering their services and as a result they are going out for RFP's. Finance Director stated it is typical to bring this before Council for authorization. They would like for Council to approve this request.

A motion was made by Councilman Romero, seconded by Councilman Hermosillo and passed unanimously to approve the following Consent Agenda items: No. 3-Adopt Budget Amendment Resolution for Asset Forfeiture Fund #218 to benefit the Calxico Police Athletic League as well as aid the Police Department in acquiring a portable LIVE Scan machine and miscellaneous

items; Awarded bid for the Street Improvement Project ARAM Overlay for David Navarro Ave., Iris Ave., Rosas Street, Grant Street, Fifth Street, seventh Street and Paseo de su Alteza. Item No. 7-Authorize the Finance Director to advertise the "Request for Proposals for Banking Services".

AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN CITY OF CALEXICO AND VICTOR CARRILLO FOR THE POSITION OF CITY MANAGER.

Mr. Eric Ortega, 1260 Santos St. stated he feels that in the past six months Mr. Carrillo has done a great job and he feels this amendment should be passed.

Mr. Morris Reisin, 225 Heffernan Street stated he agrees with Mr. Ortega and stated he has knows Mr. Carrillo for a long time. Mr. Carrillo has made himself visible in down town and he puts in more than forty hours a week, therefore, he is in agreement to the contract.

Mayor Pro Tem Moreno stated he is in agreement with this. Mr. Carrillo's heart is in Calexico and he has developed very good rapport with the unions. He should be applauded for his efforts in the past six months. He feels that Mr. Carrillo has done more than previous administration.

Councilman Castro stated there is no doubt that Mr. Carrillo has been doing a great job but he feels they would wait 5-6 months to see if the City will get more revenue. He feels this is not the time to increase Mr. Carrillo's salary.

Councilman Hermosillo stated he feels that Mr. Carrillo is doing a great job and agrees with Mayor Pro Tem Moreno but at this time he cannot support this increase because of the financial crisis the City is going through.

Councilman Romero stated everything the other Council members have said is accurate in all accounts, Mr. Carrillo has been doing an excellent job, he is much more involved than the previous administrator. Unfortunately the reality is that everyone is tightening belts, he would also like to wait 5-6 months or until all negotiations are completed.

Mayor Ouzan stated he does not agree, he believes that the increase should be given to Mr. Carrillo because he is underpaid. No other City has a qualified, experienced City Manager being paid \$135,000 per year, they all earn more. After being on the job for six months, Mr. Carrillo maintains an open door policy and has dealt with several issues and events. It is only fair that he is compensated. It is only right that they do the right thing and that is to increase the salary and compensate Mr. Carrillo who is very well deserving.

Mayor Pro Tem Moreno stated he is surprised that his colleagues have not seen how the City has moved in the last six months. In the past three years the City lacked the leadership. He feels that Mr. Carrillo deserves the raise because he will continue to be here.

Councilman Hermosillo stated that perhaps Mr. Carrillo deserves double the pay but the City is not in normal times. They need to wait until the budget is balanced and then bring it back to the table.

City Manager thanked everyone for their kind words. He did not want this to be a divisive issue, he would have liked to have five votes. In the past he was approached about getting a raise and he turned it down, he is happy the Council considered it and he will always give 100% effort but he does not want this to be a divisive issue.

A motion was made by Mayor Pro Tem Moreno, seconded by Mayor Ouzan to approve the amendment to the Employment Agreement between City of Calexico and Mr. Victor Carrillo for the position of City Manager. Voting was as follows:

AYES:	Ouzan, Moreno
NOES:	Carrillo, Hermosillo, Castro
ABSENT:	None

Mayor stated this issue will be reviewed in approximately two months.

APPROVE AN INCREASE OF \$103 TO STEP 5 OF RANGE 79EX SALARY SCHEDULE.

Councilman Hermosillo state he needs more time on this item and requested the item be tabled to a future date. Councilman Castro also requested the item be tabled.

Councilman Romero stated that according to the information he read, this is something that was already agreed and if it was already approved why was it not implemented? City Manager stated the previous City Manager did not follow through.

A motion was made by Councilman Hermosillo, seconded by Councilman Castro to table this item. Voting was as follows;

AYES:	Hermosillo, Castro
NOES:	Romero, Ouzan, Moreno
ABSENT:	None

A motion was made by Mayor Pro Tem Moreno, seconded by Councilman Romero to approve an increase of \$103 to Step 5 of Range 5 79EX. Voting was as follows:

AYES:	Romero, Ouzan, Moreno
NOES:	Hermosillo, Castro
ABSENT:	None

**CONSIDER APPROVING AN ORDINANCE AMENDING SECTION 2.19.020
"REMOVAL" OF CHAPTER 2.19 ELIGIBILITY AND PROCEDURES FOR
COMMISSIONS, BOARDS AND COMMITTEES.**

Councilman Romero stated they need to remember that any person appointed to a Committee or Commission by a Council member is there to support the Council member that appointed him/her to that Committee or Commission.

Mayor Ouzan stated the Mayor has the authority to amend the ordinance and he is requesting that the ordinance be amended.

Councilman Romero stated that if the person is not meeting their obligation by missing meetings that person can be dismissed.

Mayor Pro Tem Moreno stated they should be reasonable when removing commissioners. They should not remove people just because they are not liked.

Councilman Romero stated that perhaps they should sit down with the Mayor and City Manager if the commissioner is not acting correctly.

Mayor Ouzan asked City Attorney if the language can be changed to make it more fair. City Attorney stated they can add language to the ordinance such as absences or criminal acts.

Councilman Hermosillo stated that when the commissioner is a liability to the city than they Mayor can remove him/her.

A motion was made by Councilman Hermosillo, seconded by Mayor Pro Tem Moreno to approve the first reading, by title only, waive full reading of ordinance amending Section 2.19.020 "Removal" of Chapter 2.19 Eligibility and Procedures for Commissions, Boards and Committees. Voting was as follows:

AYES:	Hermosillo, Ouzan, Moreno, Castro
NOES:	Romero
ABSENT:	None

City Attorney read title of the ordinance.

**CONSIDER ADOPTING A POLICY RELATED TO CITY STAFF ATTENDANCE AT
MEETINGS OF CITY COMMISSIONS, BOARDS AND COMMITTEES.**

A motion was made by Councilman Hermosillo, seconded by Mayor Pro Tem Moreno and passed unanimously to adopt the policy related to city staff attendance at meetings of City Commissions, Boards and Committees.

CONSIDER APPROVING AN ORDINANCE AMENDING THE CITY'S BINGO ORDINANCE BY REPEALING CHAPTER 5.32 "BINGO" IN ITS ENTIRETY AND ADDING A NEW CHAPTER 5.32 "BINGO" TO THE CALEXICO MUNICIPAL CODE.

A motion was made by Mayor Ouzan, seconded by Mayor Pro Tem Moreno and passed unanimously to adopt the first reading, by title only, waive full reading of ordinance amending the City's Bingo Ordinance by repealing Chapter 5.32 "Bingo" in its entirety and adding a new Chapter 5.32 "Bingo" to the Calexico Municipal Code.

COUNCILMAN HERMOSILLO'S APPOINTMENT TO THE PERSONNEL COMMISSION.

Councilman Hermosillo appointed Mr. Robert Rubio to the Personnel Commission.

FUTURE AGENDA ITEMS BY CITY COUNCIL MEMBERS.

Councilman Hermosillo suggested placing an item on the next agenda regarding illegal used car sales. (using the public right of way to sell vehicles).

Mayor Ouzan asked Chief of Police to look into vehicles with Mexican license plates that are in the city over night.

Councilman Romero suggested having a presentation on Budget vs. financial report.

INFORMATION ITEMS.

The City Council acknowledged receipt of the following information items: Business Improvement District Committee minutes for November 4, 10 and 18, 2009; Arts Commission minutes for special meeting November 2, 2009; Recreation Commission minutes for November 18, 2009.

FINANCIAL REPORT AS OF NOVEMBER 30, 2009.

Councilman Romero made reference to this item and stated that the introduction page on this item says there is no financial impact and there is. Finance Director stated that presenting the report does not create financial impact. Finance Director proceeded to give a report on the Financial Report as of November 30, 2009. Councilman Romero stated that the big picture is not what is budget but what is actually coming in. He asked this be brought back to the agenda with some type of projections. Councilman Romero stated that at the present time the picture looks very bleak. He congratulated the department heads that have maintained their levels of spending. He asked for a financial presentation on the first meeting in February. Councilman Romero stated he would like to see a hiring freeze until the numbers are resolved.

ADJOURNMENT.

There being no further business the meeting adjourned at 7:52 p.m.

David B. Ouzan, Mayor

Attest:

Lourdes Cordova, City Clerk